

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2848

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 Section 1. Section 36-401, Arizona Revised Statutes, is amended to  
3 read:

4 36-401. Definitions; adult foster care

5 A. In this chapter, unless the context otherwise requires:

6 1. "Accredited health care institution" means a health care  
7 institution, other than a hospital, that is currently accredited by a  
8 nationally recognized accreditation organization.

9 2. "Accredited hospital" means a hospital that is currently accredited  
10 by a nationally recognized commission on hospital accreditation.

11 3. "Adaptive services" means medical services that are provided on an  
12 outpatient basis.

13 4. "Adult day health care facility" means a facility that provides  
14 adult day health services during a portion of a continuous twenty-four hour  
15 period for compensation on a regular basis for five or more adults not  
16 related to the proprietor.

17 5. "Adult day health services" means a program that provides planned  
18 care supervision and activities, personal care, personal living skills  
19 training, meals and health monitoring in a group setting during a portion of  
20 a continuous twenty-four hour period. Adult day health services may also  
21 include preventive, therapeutic and restorative health related services that  
22 do not include behavioral health services.

23 6. "Adult foster care" means a residential setting that provides room  
24 and board and adult foster care services for at least one and no more than  
25 four adults who are participants in the Arizona long-term care system  
26 pursuant to chapter 29, article 2 of this title and in which the sponsor or  
27 the manager resides with the residents and integrates the residents who are  
28 receiving adult foster care into that person's family.

1           7. "Adult foster care services" means supervision, assistance with  
2 eating, bathing, toileting, dressing, self-medication and other routines of  
3 daily living or services authorized by section 36-2939, subsection C and  
4 rules adopted pursuant to that section.

5           8. "Ambulatory person" means any individual, including one who uses a  
6 cane or other ambulatory support device, who is physically and mentally  
7 capable under emergency conditions of finding a way to safety without  
8 assistance.

9           9. "Assisted living center" means an assisted living facility that  
10 provides resident rooms or residential units to eleven or more residents.

11           10. "Assisted living facility" means a residential care institution,  
12 including adult foster care, that provides or contracts to provide  
13 supervisory care services, personal care services or directed care services  
14 on a continuing basis.

15           11. "Assisted living home" means an assisted living facility that  
16 provides resident rooms to ten or fewer residents.

17           12. "Capital expenditure" means the acquisition by lease or purchase of  
18 a capital asset in the nature of buildings, fixtures or durable equipment.

19           13. "CHILDREN'S HOSPITAL" MEANS A HEALTH CARE INSTITUTION THAT MEETS  
20 ALL OF THE FOLLOWING REQUIREMENTS:

21           (a) IS PRIMARILY ENGAGED, WITH AT LEAST NINETY PER CENT OF ITS  
22 INPATIENTS UNDER THE AGE OF 18, IN PROVIDING BY OR UNDER THE SUPERVISION OF  
23 LICENSED PHYSICIANS, SPECIALLY TRAINED OR EXPERIENCED IN THE CARE OF CHILDREN  
24 AND YOUTH ANY OF THE FOLLOWING:

25           (i) DIAGNOSTIC SERVICES AND THERAPEUTIC SERVICES FOR THE MEDICAL  
26 DIAGNOSIS, TREATMENT, AND CARE OF INJURED, DISABLED, OR SICK CHILDREN AND  
27 YOUTH.

28           (ii) REHABILITATION SERVICES FOR THE REHABILITATION OF INJURED,  
29 DISABLED, OR SICK CHILDREN OR YOUTH.

30           (iii) PSYCHIATRIC SERVICES FOR THE DIAGNOSIS AND TREATMENT OF MENTALLY  
31 ILL CHILDREN AND YOUTH.

1 (b) HAS SPECIALIZED PHYSICAL FACILITIES, EQUIPMENT, AND STAFF  
2 RESOURCES TO MEET THE PHYSICAL, MEDICAL, AND PSYCHOLOGICAL NEEDS OF CHILDREN  
3 AND YOUTH.

4 (c) PROVIDES AMBULATORY OR SPECIALIZED CHILD HEALTH SERVICES TO  
5 PATIENTS FROM A BROAD GEOGRAPHIC REGION AND PROVIDES SERVICES FOR FORMALLY  
6 ORGANIZED REGIONAL SPECIALIZED CARE PROGRAMS FOR CHILDREN AND YOUTH AS MAY  
7 EXIST IN ITS SERVICE AREA.

8 (d) MAY INCLUDE CONTROLLED INPATIENT UNITS AND SATELLITE FACILITIES  
9 THAT ARE GOVERNED BY THE SAME GOVERNING BOARD AND STAFFED BY THE SAME  
10 ORGANIZED MEDICAL STAFF AS THE LICENSEE.

11 ~~13~~ 14. "Construction" means the building, erection, fabrication or  
12 installation of a health care institution.

13 ~~14~~ 15. "Continuous" means available at all times without cessation,  
14 break or interruption.

15 ~~15~~ 16. "Controlling person" means a person who:

16 (a) Through ownership, has the power to vote at least ten per cent of  
17 the outstanding voting securities.

18 (b) If the applicant or licensee is a partnership, is the general  
19 partner or a limited partner who holds at least ten per cent of the voting  
20 rights of the partnership.

21 (c) If the applicant or licensee is a corporation, an association or a  
22 limited liability company, is the president, the chief executive officer, the  
23 incorporator or any person who owns or controls at least ten per cent of the  
24 voting securities. For the purposes of this subdivision, corporation does  
25 not include nonprofit corporations.

26 (d) Holds a beneficial interest in ten per cent or more of the  
27 liabilities of the applicant or the licensee.

28 ~~16~~ 17. "Department" means the department of health services.

29 ~~17~~ 18. "Directed care services" means programs and services, including  
30 personal care services, that are provided to persons who are incapable of  
31 recognizing danger, summoning assistance, expressing need or making basic  
32 care decisions.

1           ~~18~~ 19. "Direction" means authoritative policy or procedural guidance  
2 for the accomplishment of a function or activity.

3           ~~19~~ 20. "Director" means the director of the department of health  
4 services.

5           ~~20~~ 21. "Facilities" means buildings that are used by a health care  
6 institution for providing any of the types of services as defined in this  
7 chapter.

8           ~~21~~ 22. "Freestanding urgent care center":

9           (a) Means an outpatient treatment center that, regardless of its  
10 posted or advertised name, meets any of the following requirements:

11           (i) Is open twenty-four hours a day, excluding at its option weekends  
12 or certain holidays, but is not licensed as a hospital.

13           (ii) Claims to provide unscheduled medical services not otherwise  
14 routinely available in primary care physician offices.

15           (iii) By its posted or advertised name, gives the impression to the  
16 public that it provides medical care for urgent, immediate or emergency  
17 conditions.

18           (iv) Routinely provides ongoing unscheduled medical services for more  
19 than eight consecutive hours for an individual patient.

20           (b) Does not include the following:

21           (i) A medical facility that is licensed under a hospital's license and  
22 that uses the hospital's medical provider number.

23           (ii) A qualifying community health center pursuant to section  
24 36-2907.06.

25           (iii) Any other health care institution licensed pursuant to this  
26 chapter.

27           (iv) A physician's office that offers extended hours or same day  
28 appointments to existing and new patients and that does not meet the  
29 requirements of subdivision (a), item (i), (iii) or (iv). For the purposes  
30 of this item, "physician" means a person licensed pursuant to title 32,  
31 chapter 13 or 17.

1           ~~22~~ 23. "Governing authority" means the individual, agency, group or  
2 corporation, appointed, elected or otherwise designated, in which the  
3 ultimate responsibility and authority for the conduct of the health care  
4 institution are vested.

5           ~~23~~ 24. "Health care institution" means every place, institution,  
6 building or agency, whether organized for profit or not, that provides  
7 facilities with medical services, nursing services, health screening  
8 services, other health-related services, supervisory care services, personal  
9 care services or directed care services and that includes home health  
10 agencies as defined in section 36-151 and hospice service agencies.

11           ~~24~~ 25. "Health-related services" means services, other than medical,  
12 that pertain to general supervision, protective, preventive and personal care  
13 services, supervisory care services or directed care services.

14           ~~25~~ 26. "Health screening services" means the acquisition, analysis and  
15 delivery of health-related data of individuals to aid in the determination of  
16 the need for medical services.

17           ~~26~~ 27. "Hospice" means a hospice service agency or the provision of  
18 hospice services in an inpatient facility.

19           ~~27~~ 28. "Hospice service" means a program of palliative and supportive  
20 care for terminally ill persons and their families or caregivers.

21           ~~28~~ 29. "Hospice service agency" means an agency or organization, or a  
22 subdivision of that agency or organization, that is engaged in providing  
23 hospice services at the place of residence of its clients.

24           ~~29~~ 30. "Inpatient beds" or "resident beds" means accommodations with  
25 supporting services, such as food, laundry and housekeeping, for patients or  
26 residents who generally stay in excess of twenty-four hours.

27           ~~30~~ 31. "Licensed capacity" means the total number of persons for whom  
28 the health care institution is authorized by the department to provide  
29 services as required pursuant to this chapter if the person is expected to  
30 stay in the health care institution for more than twenty-four hours. For a  
31 hospital, licensed capacity means only those beds specified on the hospital  
32 license.

1           ~~31~~ 32. "Medical services" means the services that pertain to medical  
2           care and that are performed at the direction of a physician on behalf of  
3           patients by physicians, dentists, nurses and other professional and technical  
4           personnel.

5           ~~32~~ 33. "Modification" means the substantial improvement, enlargement,  
6           reduction, alteration of or other change in a health care institution.

7           ~~33~~ 34. "Nonproprietary institution" means any health care institution  
8           that is organized and operated exclusively for charitable purposes, no part  
9           of the net earnings of which inures to the benefit of any private shareholder  
10          or individual, or that is operated by the state or any political subdivision  
11          of the state.

12          ~~34~~ 35. "Nursing care institution" means a health care institution that  
13          provides inpatient beds or resident beds and nursing services to persons who  
14          need nursing services on a continuing basis but who do not require hospital  
15          care or direct daily care from a physician.

16          ~~35~~ 36. "Nursing services" means those services that pertain to the  
17          curative, restorative and preventive aspects of nursing care and that are  
18          performed at the direction of a physician by or under the supervision of a  
19          registered nurse licensed in this state.

20          ~~36~~ 37. "Organized medical staff" means a formal organization of  
21          physicians, and dentists where appropriate, with the delegated authority and  
22          responsibility to maintain proper standards of medical care and to plan for  
23          continued betterment of that care.

24          ~~37~~ 38. "Outpatient surgical center" means a type of health care  
25          institution with facilities and limited hospital services for the diagnosis  
26          or treatment of patients by surgery whose recovery, in the concurring  
27          opinions of the surgeon and the anesthesiologist, does not require inpatient  
28          care in a hospital.

29          ~~38~~ 39. "Personal care services" means assistance with activities of  
30          daily living that can be performed by persons without professional skills or  
31          professional training and that includes the coordination or provision of  
32          intermittent nursing services and the administration of medications and

1 treatments by a nurse who is licensed pursuant to title 32, chapter 15 or as  
2 otherwise provided by law.

3 ~~39~~ 40. "Physician" means any person who is licensed pursuant to title  
4 32, chapter 13 or 17.

5 ~~40~~ 41. "Residential care institution" means a health care institution  
6 other than a hospital or a nursing care institution that provides resident  
7 beds or residential units, supervisory care services, personal care services,  
8 directed care services or health-related services for persons who do not need  
9 inpatient nursing care.

10 ~~41~~ 42. "Residential unit" means a private apartment, unless otherwise  
11 requested by a resident, that includes a living and sleeping space, kitchen  
12 area, private bathroom and storage area.

13 ~~42~~ 43. "Respite care services" means services that are provided by a  
14 licensed health care institution to persons otherwise cared for in foster  
15 homes and in private homes to provide an interval of rest or relief of not  
16 more than thirty days to operators of foster homes or to family members.

17 ~~43~~ 44. "Substantial compliance" means that the nature or number of  
18 violations revealed by any type of inspection or investigation of a licensed  
19 health care institution does not pose a direct risk to the life, health or  
20 safety of patients or residents.

21 ~~44~~ 45. "Supervision" means direct overseeing and inspection of the act  
22 of accomplishing a function or activity.

23 ~~45~~ 46. "Supervisory care services" means general supervision, including  
24 daily awareness of resident functioning and continuing needs, the ability to  
25 intervene in a crisis and assistance in the self-administration of prescribed  
26 medications.

27 ~~46~~ 47. "Unscheduled medical services" means medically necessary  
28 periodic health care services that are unanticipated or cannot reasonably be  
29 anticipated and that require medical evaluation or treatment before the next  
30 business day.

31 B. If there are fewer than four Arizona long-term care system  
32 participants receiving adult foster care in an adult foster care home,

1 nonparticipating adults may receive other types of services that are  
2 authorized by law to be provided in the adult foster care home as long as the  
3 number of adults served, including the Arizona long-term care system  
4 participants, does not exceed four.

5 C. Nursing care services may be provided by the adult foster care  
6 licensee if the licensee is a nurse who is licensed pursuant to title 32,  
7 chapter 15 and the services are limited to those allowed pursuant to  
8 law. The licensee shall keep a record of nursing services rendered.

9 Amend title to conform

BOB STUMP

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